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Written statement* submitted by the public organization "Public Advocacy", a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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On the religion-based violations against the Ecumenical Patriarchate and Orthodox Christian communities in Turkey

For years the Ecumenical Patriarchate has been suffering discriminatory practices that fall into three broad categories:

- legal status denial accompanied by property confiscation;
- the Halki Theological School closure;
- Interference into Ecumenical Patriarch election process.

According to the United States Commission on International Religious Freedom 2018 Annual Report "In 2017, the state of religious freedom in Turkey worsened. Proposed changes in the educational curriculum, an increase in government funding solely for Sunni mosques, and a lack of movement with respect to legal status and registration for non-Muslim communities have led Turkey on a downward trend. Turkey's longstanding strict secularization prevents religious communities—including Sunni Muslims—from obtaining full legal status; that being said, members of different faith groups do have their own private schools, places of worship, foundations, and media organizations. The majority of the other longstanding religious freedom concerns remain unresolved, including the return of expropriated minority properties, the delay in providing dual citizenship to Greek Orthodox Metropolitans so they can participate in the church's Holy Synod, and equal funding for religious minority community buildings from the public budget"1.

Legal status denial accompanied by property confiscation

Although the government of Turkey has promised to apply equitable policy principles in terms of the conversion of historic Christian sites into mosques, so far it has been remained to be only a promise. The 20th century in Turkrey has been marked by a series of government acts aimed at property confiscation and destruction. Various government decrees and confiscation taxes were imposed on the properties belonging to the Ecumenical Patriarchate and its Orthodox Christian communities. According to the statement of the Order of Saint Andrew made at 2017 Human Dimension Implementation Meeting, in 1936 the Ecumenical Patriarchate owned up to 8,000 properties with only 2,000 remaining in 1998. In 2017 the number of properties owned by the Ecumenical Patriarchate reached some 500.

In 2008 the European Court of Human Rights ruled that the Pringipos Orphanage property on Buyukada Island is to be returned to the Ecumenical Patriarchate2. In 2009 another decision was made that the property which had once belonged to the Koimisis Theotokou Church Foundation on Tenedos Island (Boscada) is to be transferred to its historical owner. According to the Court ruling, Turkish government authorities violated Article I, Protocol I (protection of property) of the European Convention of Human Rights. Unfortunately, the Government's promise, made after the said Court's rulings, to return confiscated property was not fulfilled.

Moreover, the few properties that were returned have two problems. Firstly, these properties do not produce income, making it difficult to maintain them. Secondly, the government authorities keep delaying the election of minority foundation board members, that hampers the properties effective management. According to Turkish legislation, clergy are not allowed to serve as minority foundation board members. Only citizens living adjacent to a property may be entitled to perform this function.

The primary reason hampering the return of property is that the Ecumenical Patriarchate and other religious institutions have no legal standing in the country. The Ecumenical Patriarchate communities are not entitled to own the churches in which they worship and the cemeteries in which they are buried. The lacks legal personality prevents the Ecumenical Patriarchate from effective management of its property, that may lead to confiscations by the Government under the pretext that a commercial building or a church is abandoned and, thus, should be seized without compensation.

According to the 1935 Law on Religious Foundations, all church properties shall be owned by government-denominated minority foundations under the jurisdiction of the General Directorate of Foundations. The GDF has the right to seize a minority foundation if it considers that the foundation has no charitable or practical use. Since 1970, the GDF has seized 17 Greek Orthodox foundations, thus confiscating about 1,000 properties. Some of these properties

1 http://www.uscirf.gov/sites/default/files/USCIRFAnnualReport2018_wlinks.pdf

2 https://www.echr.coe.int/Pages/home.aspx?p=hearings&w=1434005_27112007&language=lang

were income-producing for the Ecumenical Patriarchate. Moreover, the GDF may also prevent the elections of foundation boards. The Turkish Government so far has denied to the Ecumenical Patriarchate any means of financial support, although it has subscribed to the 1923 Treaty of Lausanne, entitling minorities "to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein"3.

The Halki Theological School closure

Another instance of discrimination is the closure of Halki School of Theology. The school was founded in 1844 and in 1971 it was not allowed to admit new students. For years, the Ecumenical Patriarch has made urgent petitions to allow the reopening of Halki School of Theology, receiving only promises by Turkish officials in response. Presidents of the United States of America, U.S. Secretaries of State, European Union officials, and a number of international bodies have also urged the Government of Turkey to allow the reopening of the School. Moreover, Ecumenical Patriarch Bartholomew has many times met with high ranking officials and President Erdoğan and discussed this issue. The President of the Directorate of Religious Affairs, Mehmet Gormez, in 2012 publicly supported the reopening of the School when he met with the Patriarch.

In spite of all the promises and petitions, the Halki Theological School is still closed. The United States Commission on International Religious Freedom 2018 Annual Report states: "Reopening Halki Seminary and returning properties to religious minority groups are issues that remain of keen interest to the United States"4.

Interference in Ecumenical Patriarch election process

In 1923 and 1970 the Governors of Istanbul issued decrees requiring that the Ecumenical Patriarch and the voting hierarchs must have Turkish citizenship. However, according to the canons of the Orthodox Church, the Ecumenical Patriarch can be elected from among all hierarchs of the Ecumenical Patriarchate all over the world, but not just those who have Turkish citizenship. "The Turkish government continued to dictate that only Turkish citizens can be members of the Ecumenical Patriarchate's Holy Synod, which elects the community's Patriarch. Since 2010, however, only 30 foreign Metropolitans have been approved for dual citizenship, which the community contends is unreasonable interference with the internal election process of the Patriarchate"5, states the United States Commission on International Religious Freedom 2018 Annual Report.

Historic Christian Sites

Since 1934, the majority of historic Christian sites in Turkey have had the status of museums and were open to the public. However, in 2012 the church of Saint Sophia in Nicaea was transferred from a museum to a mosque, although there are numerous mosques in the neighborhood for the local Muslim population. The same decision was made by the Government in terms of Saint Sophia in Trabzon. In 2014 Saint Sophia at Eraclea (Eregli) was converted into a mosque in the same manner. As U.S. Religious Freedom 2018 Annual Report sets forth: "For several years, the Christian community in Turkey and beyond has raised concerns about a potential change in the status of the historic Hagia Sophia in Istanbul. Despite the Hagia Sophia's legal status as a museum since 1935, some Muslims—including Turkish parliamentarians—have called for it to be opened as a mosque… U.S. officials have highlighted the need to keep the Hagia Sophia as a museum, emphasizing its importance as a symbol of coexistence between religions"6.

Recommendations

We urge the Government of Turkey to:

1. facilitate the process of recovering all the seized property in a fair and expeditious manner;
2. enable election of Orthodox Christians as board members of minority foundations so that all the minority foundations are able to manage their returned property effectively;
3. allow the reopening of the Halki School of Theology;

3 http://www.mfa.gov.tr/lausanne-peace-treaty-part-i_-political-clauses.en.mfa
4 http://www.uscirf.gov/sites/default/files/USCIRFAnnualReport2018_wlinks.pdf
5 http://www.uscirf.gov/sites/default/files/USCIRFAnnualReport2018_wlinks.pdf
6 http://www.uscirf.gov/sites/default/files/USCIRFAnnualReport2018_wlinks.pdf

4. stop interfering in the internal affairs of the Ecumenical Patriarchate and rescind the 1923 and 1970 Directives of the local Istanbul Government demanding Turkish citizenship in order to have the right to vote for, or be elected as, a new Ecumenical Patriarch;
5. stop changing the status of historic Christian sites from museums to mosques. Such policy hampers harmonious co-existence of religious communities.

Taking into account what has been set forth above, we urge United Nations Human Rights Council to consider the said facts and take effective actions to protect the rights of worshippers and religious communities of the Ecumenical Patriarchate.